IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO. 1791 OF 2002.

Union of India & Ors... ... Petitioners.

V/s

Khandu Baburao Bahirat & Anr.... ...
Respondents.

Mr.Suresh Kumar, Adv. For the petitioners.

CORAM: V.G. PALSHIKAR
AND
D.B. BHOSALE, JJ.
25.8.2005

PC:

By this petition the petitioners Union of India has challenged the order dated 5.2.1996 whereby the Union of India was directed to consider the original applicant for the post of chargeman, grade II as on the date when his juniors have been considered and promoted.

2. During the pendency of this petition this consideration did not take place. Factually all that was required by Union of India was to consider him for the post of chargeman. Consideration could have resulted in his claim being rejected. While this petition was pending the respondent employee has retired.

3. The contention of the learned counsel appearing on behalf of Union of India is that the interpretation by the Tribunal of the word “Transfer” in the relevant rules is wrong. In the event this interpretation is sought to be

canvassed in some other case the petitioner Union of India shall be at liberty to contend that even the order of the Tribunal impugned in this petition is wrong. Factually in so far as the respondent is concerned the petition has become infructuous by his retirement. The employee cannot now claim consideration merely because the writ petition is disposed of. In this view of the matter therefore we see no reason to interfere. Petition is dismissed.